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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/404,233	09/23/1999	HERB BANKSTAHL	ITW-12033	8188

23721 7590 10/17/2002

CORRIGAN LAW OFFICE  
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EXAMINER

LAM, THANH

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 10/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/404,233

Applicant(s)  
Bankstahl

Examiner  
Thanh Lam

Art Unit  
2834



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 30, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 32-54 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jul 22, 2002 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 32-54 is withdrawn in view of the newly discovered reference(s) to Rao. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 32-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Rao.

Regarding claim 32, Rao discloses an engine powered generator comprising: an engine (5); a plate (25) mounted to the engine; a generator (3), mounted to the plate, including a rotor

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(59), a stator (49) and a housing (13), wherein the stator is secured in the housing; and a plurality of pins (27,29) disposed on the plate such that the stator is concentrically aligned (vol. 4, lines 1-12) with the rotor by contact of each of the plurality of pins with a surface of the housing, whereby the surface contacted is not a closed inner surface of a pilot hole in which a single pin is disposed.

Regarding claim 33, Rao discloses a method for concentrically aligning a stator with a rotor of a generator powered by an engine, the method comprising: mounting a first plate to the engine wherein the first plate has a plurality of pins disposed thereon; securing the stator in a housing; aligning the stator with the rotor by contacting each of the plurality of pins with a surface of the housing, whereby the surface contacted is not a closed inner surface of a pilot hole in which a single pin is disposed; and mounting the generator to the first plate.

Regarding claim 34, Rao discloses an engine powered generator comprising: an engine having a wall (25) and an output shaft (55) rotating about an axis, wherein the wall has a plurality of pins (27,29) located about the axis and protruding from the wall; a generator (3) having a rotor (59), operatively connected to the output shaft and rotating about the axis, and a stator (49), secured in a housing (13); said housing having a housing surface; wherein said generator is located on said wall by contacting said pins with said housing surface at a first end of said housing, whereby the surface contacted is not a closed inner surface of a pilot hole in which a single pin is disposed.

Regarding claim 35, Rao discloses the plurality of pins includes at least three pins.

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Regarding claim 36, Rao discloses the plurality of pins includes at least six pins.

Regarding claim 37, Rao discloses the housing has an inner housing surface and at least one of the plurality of pins contacts the inner housing surface.

Regarding claim 38, Rao discloses the housing has an outer housing surface and at least one of the plurality of pins contacts the outer housing surface.

Regarding claim 39, Rao discloses the housing has an outer housing surface, and at least one of the plurality of pins contacts the outer housing surface.

Regarding claim 40, Rao discloses each of the plurality of pins is a dowel pin.

Regarding claim 41, Rao discloses each of the plurality of pins is cylindrical.

Regarding claim 42, Rao discloses the housing has a circular cross section.

Regarding claim 43, Rao discloses the contact with each of the plurality of pins is tangential.

Regarding claim 44, Rao discloses at least one of the plurality of pins contacts an interior housing surface.

Regarding claim 45, Rao discloses at least one of the plurality of pins contacts an outer housing surface.

Regarding claim 46, Rao discloses at least one of the plurality of pins contacts an outer housing surface.

Regarding claim 47, Rao discloses each of the plurality of pins is cylindrical.

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Regarding claim 48, Rao discloses the housing has a circular cross section and further comprising: aligning the housing with a plurality of pins disposed on a second plate such that each of the plurality of pins disposed on the second plate contacts a surface of the housing to concentrically align the stator with the rotor.

Regarding claim 49, Rao discloses the contact with each of the plurality of pins is tangential.

Regarding claim 50, Rao discloses the wall is substantially normal to the axis.

Regarding claim 51, Rao discloses each of the plurality of pins protrudes from the wall parallel to the axis.

Regarding claim 52, Rao discloses the plurality of pins includes at least three pins.

Regarding claim 53, Rao discloses the housing has an inner housing surface and at least one of the plurality of pins contacts the inner housing surface.

Regarding claim 54, Rao discloses the stator is permanently affixed to the housing.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.

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Thanh Lam

Patent Examiner